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Attorney for Plaintiff,
BAY AREA SURGICAL MANAGEMENT, LLC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BAY AREA SURGICAL MANAGEMENT, LLC., (A limited liability company)

Plaintiff

v.

PRINCIPAL LIFE INSURANCE COMPANY
(A California Corporation), and DOES 1
through 25, inclusive

Defendants.

Case No. 5:12-CV-01016-EJD

STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER

STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL

1 WHEREAS, Plaintiff Bay Area Surgical Management, LLC filed a Complaint stating
2 Causes of Action for 1) Breach of Contract; 2) Violations of California Business & Professions
3 Code § 17200 et seq.; 3) Negligent Misrepresentation; 4) Promissory Estoppel; and 5) Equitable
4 Estoppel on January 24, 2012;

5 WHEREAS, Plaintiff and Defendant Principal Life Insurance Company settled this
6 matter on or about April 17, 2012.

7 THEREFORE, IT IS HEREBY STIPULATED by and between Bay Area Surgical
8 Management, LLC. and defendant Principal Life Insurance Company through their designated
9 counsel that the above-captioned matter should be dismissed with prejudice pursuant to FRCP
10 41. The parties further stipulate that, except as set forth in the April 17, 2012 Settlement
11 Agreement between them, the parties shall bear their own attorney's fees, expenses and costs.

12 IT IS SO STIPULATED.
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16 WILSON, ELSER, MOSKOWITZ,
17 EDELMAN & DICKER LLP

18 Dated: May 10 , 2012

19 By: /s/ Donald Sullivan
20 Donald Sullivan
21 Attorneys for Defendant PRINCIPAL LIFE
22 INSURANCE COMPANY

23 LAW OFFICES OF NICOLAS LEZOTTE

24 Dated: May 10, 2012

25 By: /s/ Heather Gibson
26 Heather Gibson
27 Attorneys for Plaintiff
28 BAY AREA SURGICAL MANGEMENT
LLP

STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL

1 The Court having considered the stipulation of the parties, and good cause appearing
2 thereon, orders as follows;

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- 4 1. The action is dismissed with prejudice as against Defendant Principal Life Insurance
5 Company pursuant to FRCP 41.
- 6 2. Each party shall bear their own costs and attorneys' fees.
- 7 3. The Court shall retain jurisdiction over this matter to enforce the terms of the April
8 17, 2012, Settlement Agreement.
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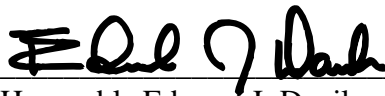
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11 IT IS SO ORDERED.

12 The Clerk shall close this file.

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14 Dated: May 17, 2012

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16 Honorable Edward J. Davila
17 Judge for the Northern District of California

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